

**John Tocci**

**From:** Michael Fitzhugh [mfitzhugh@fitzhughlaw.com]  
**Sent:** Tuesday, December 27, 2005 11:43 AM  
**To:** John Tocci  
**Cc:** Kristin Spriano  
**Subject:** RE: Woghiren Witnesses You Intend To Call on Your Case in Chief

John, we are now making arrangements to have Mr. Pajak and Ms. Ricard and Dixon available for Thursday and Friday. I'll advise if there are any issues about that, but I don't think that there should be.

As for exhibits, we have already made plans to have our litigation support vendor in the courtroom and use a computer display on a screen in order to illustrate exhibits to the jury. MAF

**John Tocci**

**From:** John Tocci [jtocci@lawtgl.com]  
**Sent:** Tuesday, December 27, 2005 10:33 AM  
**To:** 'mfitzhugh@fitzhughlaw.com'  
**Subject:** RE: Woghiren Witnesses You Intend To Call on Your Case in Chief

Thanks Michael, I intended to drop you a note today regarding the witnesses. We will start with Clem, Bob Corcoran and Dee Fusara (Clem's girlfriend) but I have not determined the order. I actually do not plan to call Denny Maratea or Peri Ozker in my case-in-chief. I expect to call Chris Pajak, Latosha Dixon and Isabelle Ricard as witnesses – each direct should be very brief, however, probably one-half hour to an hour each.

I understand that, because Young is one of the more senior judges, he empanels late – after the junior judges have filled their jury boxes. Therefore, I think we'll probably just have openings and one or two hours of testimony on Tuesday. I am sure that I will not get to Pajak, Dixon or Ricard until Thursday, at the earliest, and more likely on Friday. I see no need to have them present before Thursday.

Also, we plan to provide each juror with a full set of agreed exhibits and have them ready to go to our printer. Can you let us know if Wyeth is willing to split the cost?

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-----Original Message-----

**From:** Michael Fitzhugh [mailto:mfitzhugh@fitzhughlaw.com]  
**Sent:** Tuesday, December 27, 2005 10:32 AM  
**To:** jtocci@lawtgl.com  
**Subject:** Woghiren Witnesses You Intend To Call on Your Case in Chief

John, either drop me a note or call me about this (either one is fine), because I'll work with you on making available Dr. Maratea, Dr. Ozker and if you intend to call him, Chris Pajak. Wyeth is closed this week for a company-wide shut-down that apparently occurs each year during this time period, but I can contact these people at home in order to have them available next week. I don't expect you to give away and strategic decisions, but given the contours of this case and what we both know thus far, I doubt that disclosing the order of your witnesses would do that. I'm just trying to avoid having to reach out to these people a week from tomorrow, or even over the long week-end, and have them available in a timely manner. I have all three of them ready to be in court during the week, but if you can give me any further guidance on who you want available when, I'll work with you and you won't need to send subpoenas. In particular, if you are going to call Chris Pajak, given that he's no longer at Wyeth, I need to give him a special "heads up" so that he can let his current employer know that he'll have to take a day to be away from his job. Let me know how you want to handle. Thanks, and I hope you had a good Christmas.

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